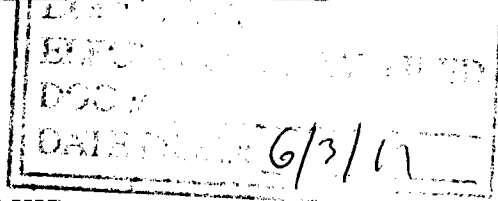
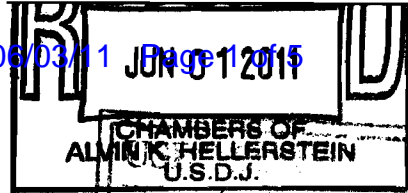


leave to file
 Amicus granted
 6-2-11
 [Signature]

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK



IN RE SEPTEMBER 11 LITIGATION

21 MC 101 (AKH)

This Document Relates to:
Bavis v. United Air Lines, Inc.
 (02 CV 7154)

**MOTION OF *AMICUS CURIAE* AIRPORTS COUNCIL
 INTERNATIONAL – NORTH AMERICA FOR LEAVE TO
 FILE BRIEF IN SUPPORT OF THE MASSACHUSETTS PORT
 AUTHORITY’S MOTION FOR SUMMARY JUDGMENT**

Amicus Curiae Airports Council International – North America (“ACI-NA”) respectfully requests that this Court grant it leave to file the attached Brief in Support of the Massachusetts Port Authority’s Motion for Summary Judgment. ACI-NA represents the state, regional and local governmental bodies that own and operate the principal commercial airports in the United States and Canada. ACI-NA’s 366 member airports include nearly all of the major passenger airports in the United States.¹ ACI-NA works on behalf of its members to ensure that federal legislation and regulations help airports to operate as safely and efficiently as possible. Courts have frequently permitted ACI-NA to participate as *amicus curiae* or intervenor in cases such as this one that raise legal issues of potentially broad application to airport operators and the aviation industry.²

¹ ACI-NA’s member airports include three airport proprietors that were affected directly by the tragic events of 9/11: the Massachusetts Port Authority (“Massport”), the Port Authority of New York and New Jersey and the Metropolitan Washington Airports Authority. The only major passenger airport in the United States that is not a member of ACI-NA is Charlotte Douglas Airport.

² See, e.g., *Air Transport Ass’n of America, Inc. v. United States Dep’t. of Transp.*, 613 F.3d 206 (D.C. Cir. 2010) (intervenor in litigation regarding airport landing fees); *Alaska Airlines, Inc. v. United States Dep’t. of Transp.*, 575 F.3d 750 (D.C. Cir. 2009) (intervenor in action involving airport terminal rental rates); *Township of Tinicum v. United States Dep’t. of Transp.*, 582 F.3d 482 (3d Cir. 2009) (intervenor in action involving landing fees).

The claims that Plaintiff Mary Bavis (“Bavis”) is pursuing against Massport in this action raise important issues of law that affect the interests of all of ACI-NA’s member airports.

Bavis’s claim that Massport had a duty to oversee or augment passenger screening operations carried out by the airlines on 9/11 is contrary to federal law. Moreover, if that claim proceeds to trial, it could upset the careful, federally-regulated division of security responsibilities in place at airports nationwide today and create confusion about the respective roles of airport operators, airlines and the Transportation Security Administration in airport security, possibly endangering the safety and security of the passengers and communities that ACI-NA’s member airports serve.

For these reasons, ACI-NA respectfully requests that the Court grant leave to file ACI-NA’s brief as *amicus curiae* in support of the Massachusetts Port Authority’s Motion for Summary Judgment.

By its attorneys,

/s/ Scott P. Lewis

Scott P. Lewis (*application for admission pro hac vice pending*)

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imposed by a municipality that neither owned nor operated the airport); *Atlanta Journal and Constitution v. City of Atlanta Dep’t. of Aviation*, 322 F.3d 1298 (11th Cir. 2003) (*amicus curiae* in First Amendment suit).

May 27, 2011

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system was sent electronically to counsel of record for all parties on May 27, 2011, and that courtesy copies were sent to the following liaison counsel by electronic mail:

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